

As for claims 10 and 11, the Examiner states that Xu discusses the presence of BLBP in the developing central nervous system. The Examiner also states one skilled in the art would have a reasonable expectation of success in applying the method of binding BLBP and DHA in a biological sample because the target ligand DHA for BLBP is known. The Examiner reasons, therefore, that it would have been obvious to one skilled in the art at the time of the invention to use biological samples in the binding affinity experiment disclosed in Xu.

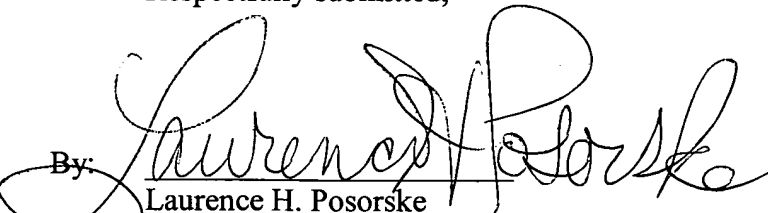
Applicants respectfully disagree. One skilled in the art would not use a biological sample to determine the binding affinity of BLBP for DHA because it would not be a purified sample of DHA, as discussed above, and Xu does not disclose a method for determining binding affinity of one component of a multiple-component mixture. Moreover, one would not perform the binding affinity experiment of Xu if it were already known that a ligand for BLBP is DHA because the experiment would be moot. It is Applicants' inventive assay that makes it obvious to use the binding affinity of BLBP and DHA to detect DHA in a biological sample.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance, and such disposition is earnestly solicited. Should the Examiner believe anything further is desirable in order to place the Application in even better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative.

Respectfully submitted,

Date: January 21, 2005

By: 
Laurence H. Posorske
Registration No. 34,698

HUNTON & WILLIAMS, LLP
1900 K Street, N.W.
Washington, DC 20006-1109
(202) 955-1926 telephone number
(202) 778-2201 facsimile number